

**Introduced by Senator Polanco**

February 19, 1998

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An act to repeal and add Section 2079.10 of the Civil Code, relating to real property disclosure.

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**LEGISLATIVE COUNSEL'S DIGEST**

SB 1989, as introduced, Polanco. Real property disclosure: registered sex offenders.

Existing law provides that if an informational booklet concerning the statewide home energy rating program is delivered to a transferee in connection with the transfer of real property, the seller or broker is not required to provide additional information concerning home energy ratings, and the information in the booklet shall be deemed to be adequate to inform the transferee about the existence of a statewide home energy rating program.

This bill would repeal these provisions and require specified leases and real property sales contracts for residential real property to contain a specified notice regarding the data base maintained with the locations of registered sex offenders. This bill would provide that, upon delivery of the notice, the lessor, seller, or broker is not required to provide additional information regarding the proximity of registered sex offenders.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2079.10 of the Civil Code is repealed.

~~2079.10. (a) If the informational booklet published pursuant to Section 25402.9 of the Public Resources Code, concerning the statewide home energy rating program adopted pursuant to Section 25942 of the Public Resources Code, is delivered to a transferee in connection with the transfer of real property, including, but not limited to, property specified in Section 1102, manufactured homes as defined in Section 18007 of the Health and Safety Code, and property subject to Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code, the seller or broker is not required to provide information additional to that contained in the booklet concerning home energy ratings, and the information in the booklet shall be deemed to be adequate to inform the transferee about the existence of a statewide home energy rating program.~~

~~(b) Notwithstanding subdivision (a), nothing in this section alters any existing duty of the seller or broker under any other law including, but not limited to, the duties of a seller or broker under this article, Article 1.5 (commencing with Section 1102) of Chapter 2 of Title 4 of Part 4 of Division 2 of the Civil Code, or Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code, to disclose information concerning the existence of a home energy rating program affecting the real property.~~

SEC. 2. Section 2079.10 is added to the Civil Code, to read:

2079.10. (a) Every lease agreement for residential real property comprising one to four dwelling units with an option to purchase, lease agreement for the land on which one to four dwelling units have been constructed, and real property sales contract, as defined in Section 2985, for residential real property comprising one to four dwelling units, shall contain, in not less than eight-point type, the following notice:

1 Notice: The California Department of Justice and local  
2 law enforcement authorities maintain a data base of the  
3 locations of registered sex offenders and will respond to  
4 consumer inquiries. The data base is updated frequently  
5 and is the best source of information about the presence  
6 of these individuals in any neighborhood.

7 (b) Upon delivery of the notice to the lessee or  
8 transferee of the real property, the lessor, seller, or broker  
9 is not required to provide information in addition to that  
10 contained in the notice regarding the proximity of  
11 registered sex offenders. The information in the notice  
12 shall be deemed to be adequate to inform the lessee or  
13 transferee about the existence or proximity of registered  
14 sex offenders and a statewide data base regarding their  
15 location.

16 (c) Notwithstanding subdivisions (a) and (b), nothing  
17 in this section shall alter any existing duty of the lessor,  
18 seller, or broker under any other law including, but not  
19 limited to, the duties of a lessor, seller or broker under this  
20 article or to the duties of a seller or broker under Article  
21 1.5 (commencing with Section 1102) of Chapter 2 of Title  
22 4 of Part 4 of Division 2, to disclose actual knowledge of  
23 the existence or proximity of a registered sex offender  
24 who poses a hazard to the lessees or transferees of the real  
25 property.

